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# Shainis & Peltzman, Chartered

Counselors at Law

Suite 290

1901 I Street, N.W.

Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

Aaron H. Shainis  
Lee J. Peltzman

Of Counsel  
William H. BuRoss, III  
Ruth S. Baker-Battist  
Robert J. Keller

March 17 1998

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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MAR 17 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


Re: Petition for Rule Making  
Mason, Texas

Dear Mrs. Salas:

Transmitted herewith, on behalf of BK Radio, is an original and four (4) copies of its Petition for Rule Making. This Petition for Rule Making seeks the allotment of two (2) additional channels (Channels 273C2 and 288C2) to the community of Mason, Texas.

Please contact the undersigned should the Commission have any questions with respect to this Petition for Rule Making.

Sincerely,

  
Lee J. Peltzman  
Counsel for  
BK RADIO

Enclosure

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MAR 17 1998

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. \_\_\_\_\_  
)  
Amendment of Section 73.202 (b) ) RM- \_\_\_\_\_  
FM Table of Assignments )  
(Mason, Texas) )

To: Chief, Allocations Branch  
Policy and Rules Division

**PETITION FOR RULE MAKING**

1. BK Radio ("BK"), applicant for a new FM station on Channel 249C2 at Mason, Texas (ARN-960823MF), by its attorney and pursuant to Section 1.420 of the Commission's rules, hereby petitions the Commission to make changes in its FM Table of Assignments, Section 73.202 (b) of the Commission's rules, as follows:

<u>Community</u>	<u>Current Channel Assignments</u>	<u>Proposed Channel Assignments</u>
Mason, TX	249C2	249C2, 273C2, 288C2

As will be demonstrated below, a number of Class C2 channels are available for assignment to Mason, and BK hereby requests that its pending Mason application be modified herein to specify operation on Channel 273C2 in lieu of Channel 249C2.

2. The Commission has allocated Channel 249C2 at Mason, Texas. BK's Mason application is mutually exclusive with applications filed by Foxcom, Inc. ("Foxcom") (ARN-960826MH) and Jayson D. Fritz and Janice M. Fritz ("Fritz")(ARN-960826MS).

3. Consistent with Commission precedent, BK hereby petitions the Commission to add Channels 273C2 and 288C2 at Mason. BK herein provides the requisite Allocation Narrative in support of its petition (attached as Appendix A hereto). BK proposes that, in order to eliminate the mutual exclusivity between the three Mason applicants, the Commission permit BK to modify its pending Mason application to specify operation on Channel 273C2 and afford its application cut-off protection. See Roseburg, Oregon, 6 FCC Rcd. 4369 (1991); Copeland Kansas, 5 FCC Rcd. 7682 (1990). In addition, Channel 288C2 would be available to either Fritz or Foxcom for its proposed operation and one of those applications could be modified accordingly and afforded cut-off protection. The third applicant would remain on Channel 249C2 and continue to be afforded cut-off protection as well. An additional channel, Channel 245C2 would still remain available for allocation at Mason should there be any other parties expressing an interest for a channel in Mason. See Copeland, Kansas, supra; Roseburg, Oregon, supra.

4. BK hereby commits that, if its allocation request herein is granted, it will modify its pending Mason application for operation on Channel 273C2 and, upon grant of its application, it will build its station promptly. Channel 249C2 has already been allotted by the Commission. Channel 288C2 will be available to either Foxcom and Fritz to modify its pending Mason proposal. In addition, as noted, at least one other channel (245C2) remains available for allocation at Mason. See Allocation Narrative.

5. Significant public interest reasons exist which would warrant the grant of the instant proposal, including resolving the current conflict between three (3) mutually exclusive applications and permitting the prompt institution of service to Mason. See Albion, Nebraska, 10 FCC Rcd. 3183 (1995).

Accordingly, for the reasons stated above, BK Radio hereby petitions the Commission to make the following changes in the FM Table of Assignments, Section 73.202 (b) of the Commission's rules:

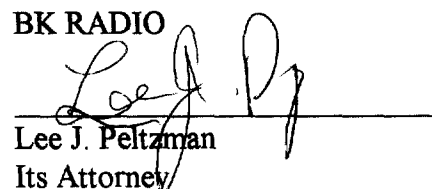
<u>Community</u>	<u>Current Channel Assignments</u>	<u>Proposed Channel Assignments</u>
Mason, TX	249C2	249C2, 273C2, 288C2

Further, BK requests that, simultaneously with the adoption of these proposed changes in the FCC's Table of Assignments, the Commission conclude that (a) BK may amend its pending FM application at Mason, Texas (ARN-960823MF), to specify operation on newly-assigned Channel 273C2; (b) Fritz may amend its pending FM application at Mason, Texas (ARN-960826MS) to specify operation on newly-assigned Channel 288C2; (c) the applications of Fritz and BK, as amended, be afforded cut-off protection from other applications proposing to use the channels in question in Mason; and (d) the applications of Fritz and BK, as amended, and Foxcom, be granted.

Respectfully submitted:

BK RADIO

By:

  
\_\_\_\_\_  
Lee J. Peltzman  
Its Attorney

Shainis & Peltzman, Chartered  
1901 L Street, N.W. - Suite 290  
Washington, D. C. 20554  
202/293-0011

March 17, 1998

## APPENDIX A

## ALLOCATION NARRATIVE

This statement is prepared on behalf of BK Radio. This is a Petition for Rule Making to resolve a conflict in filings which requests an amendment of the Table of FM Channel Allotments, Section 73.202 (b) of the FCC Rules. The request is to add a second and third FM station on Channels 273C2 and 288C2 at Mason, Texas. This statement discusses the technical factors involved in the above changes.

1. The reference coordinates for the Channel 273C2 proposal at Mason are:

Latitude 30° 38' 21" North, Longitude 99° 20' 36" West

The reference coordinates for the Channel 288C2 proposal at Mason are:

Latitude 30° 39' 51" North, Longitude 99° 31' 36" West

2. As can be seen from the attached allocation study, the Class C2 operations from these sites will comply with all separation requirements as set forth in Section 73.207 of the FCC rules.

3. From the reference sites, the entire city of Mason will be served with the 70 dBu contour as required by Section 73.315 (a) and (b) as shown in the contour map.


4. The site proposed herein is within the 320 km coordination distance required with Mexico.

5. In addition, one additional Channel (245C2) may be set aside as an alternate channel in the event any other parties express an interest for a channel in Mason at the following reference coordinates: Latitude 30° 28 ' 30" North; Longitude 99° 26' 18" West. Channel 245C2 will also comply with all separation and city grade coverage requirements set forth in the FCC's rules.

6. The community of Mason, Texas is already established by the FCC. This second and third allocations will resolve the mutually-exclusive requests to render service to Mason.

I, James S. Bumpous, am a licensed engineer. All statements made herein are true and correct to the best of my knowledge and belief.

February 28<sup>th</sup>, 1998

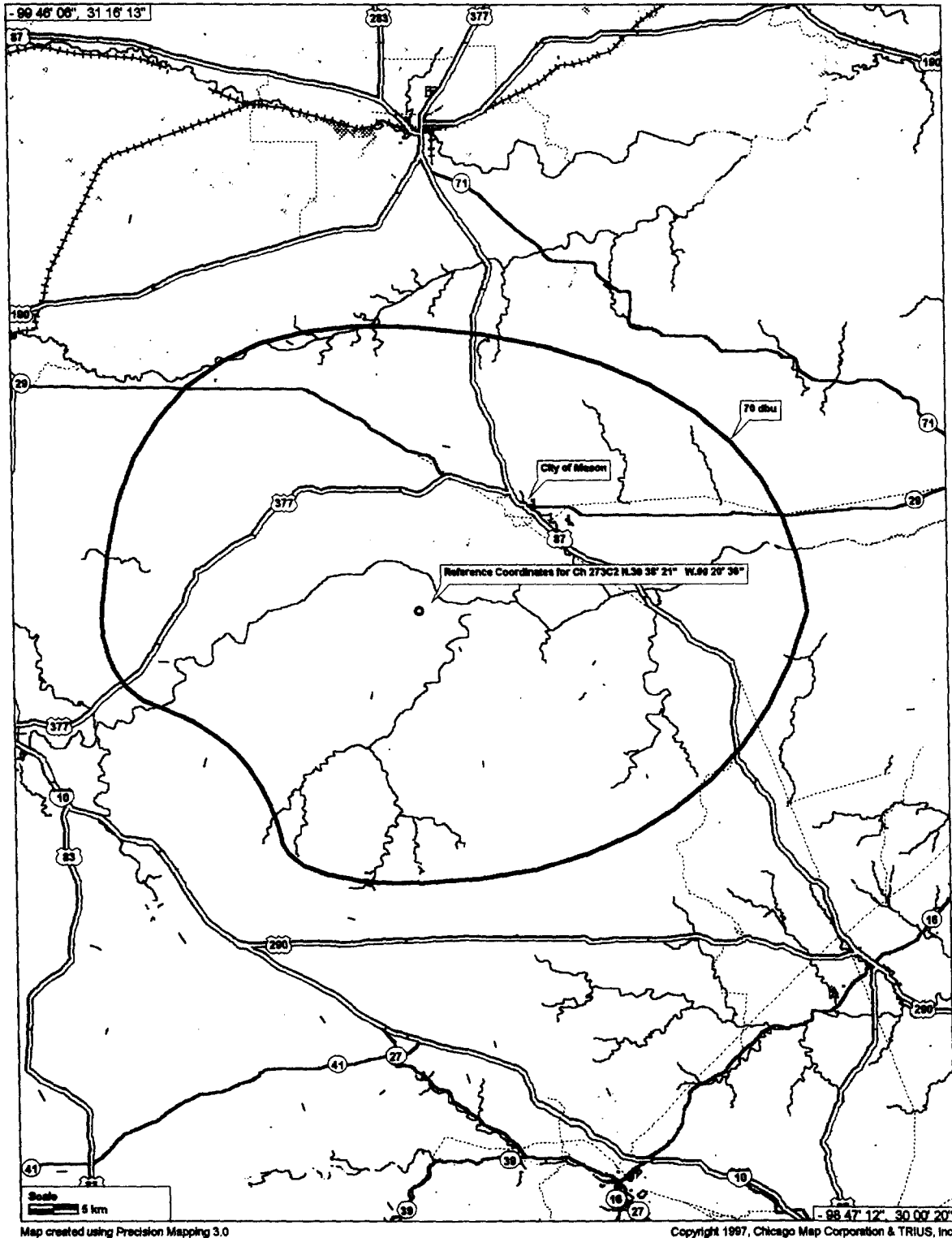
  
James S. Bumpous  
13915 Lakeview Drive  
Austin, TX 78732-1046

Search of channel 273C2 (102.5 MHz), at N. 30 38 21, W. 99 20 36.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Brady	TX	219	A	V	55.0	14.0	0.9ø	41.0
ALC	Lometa	TX	270	A	U	114.4	55.0	55.7ø	59.4
ALC	San Angelo	TX	270	C1	U	138.7	79.0	311.2ø	59.7
ALC	San Antonio	TX	270	C1	U	158.7	79.0	148.5ø	79.7
KACQ	Lometa	TX	270	A	L	118.3	55.0	55.6ø	63.3
KQXT	San Antonio	TX	270	C1	L	142.0	79.0	150.5ø	63.0
KQXT	San Antonio	TX	270	C1	L	158.7	79.0	148.5ø	79.7
KWFR	San Angelo	TX	270	C1	L	140.6	79.0	312.2ø	61.6
KWFR	San Angelo	TX	270	C1	L	140.6	79.0	312.2ø	61.6
ALC	Llano	TX	271	A	A	55.6	55.0	80.7ø	0.6
ALC	Austin	TX	272	C2	U	152.9	130.0	108.6ø	22.9
ALC	Uvalde	TX	272	A	U	165.4	105.0	194.8ø	60.4
KPEZ	Austin	TX	272	C2	L	152.7	130.0	107.6ø	22.7
KUVA	Uvalde	TX	272	A	L	166.2	105.0	194.6ø	61.2
ALC	Piedras Negras	CI	273	A		242.9	163.0	208.2ø	79.9
ALC	Hillsboro	TX	273	C1	U	246.1	224.0	57.7ø	22.1
KBRQ	Hillsboro	TX	273	C1	L	246.1	224.0	57.7ø	22.1
ALC	Merkel	TX	274	C1	U	209.8	158.0	338.9ø	51.8
ALC	San Antonio	TX	274	C1	U	158.6	158.0	148.5ø	0.6
KFQXFM	Merkel	TX	274	C1	L	209.7	158.0	339.8ø	51.7
KTFM	San Antonio	TX	274	C1	L	158.6	158.0	148.5ø	0.6
ALC	Llano	TX	275	A	A	55.2	55.0	82.2ø	0.2
ALC	Bandera	TX	276	A	A	90.2	55.0	164.3ø	35.2
ALC	Ballinger	TX	276	A	U	134.1	55.0	333.9ø	79.1
ALC	Copperas Cove	TX	276	C3	U	133.5	56.0	69.8ø	77.5
KCSE	Ballinger	TX	276	A	L	134.1	55.0	333.9ø	79.1



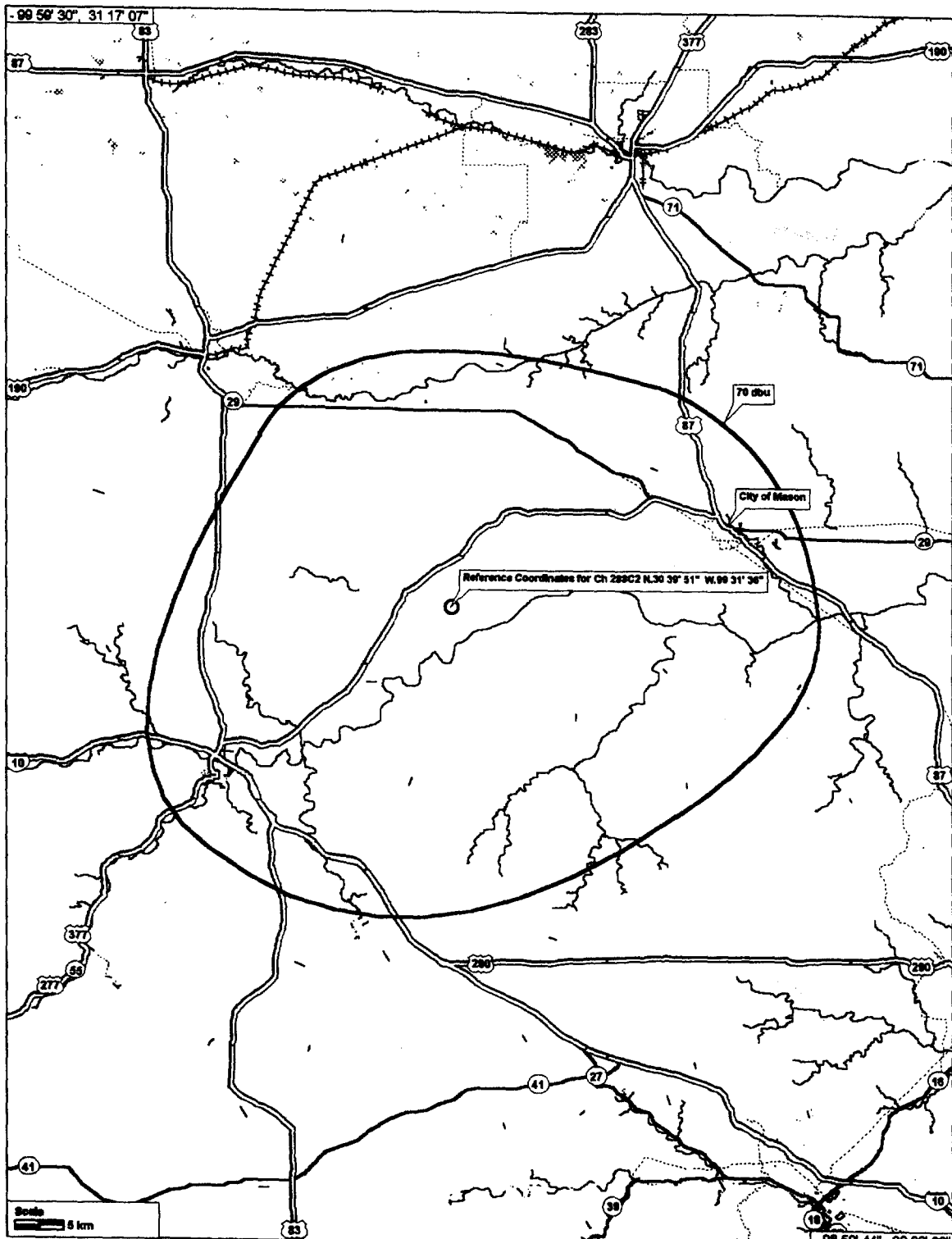
## Mason, Tx. Ch 273 C2 Exhibit E1



Search of channel 288C2 (105.5 MHz), at N. 30 39 51, W. 99 31 36.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
KBAE	Marble Falls	TX	285	C3	A	130.0	56.0	100.7ø	74.0
KBAE	Marble Falls	TX	285	C2	A	111.1	58.0	93.1ø	53.1
KBAE	Marble Falls	TX	285	C3	D	130.0	56.0	100.7ø	74.0
KBAE	Marble Falls	TX	285	C3	A	125.2	56.0	101.3ø	69.2
ALC	Seguin	TX	287	C	U	196.4	188.0	141.7ø	8.4
KSMG	Seguin	TX	287	C	L	196.4	188.0	141.7ø	8.4
ALC	Piedras Negras	CI	288	B		237.7	237.0	204.0ø	0.7
XHREFM	Piedras Negras	CI	288	B		237.7	237.0	204.0ø	0.7
ALC	Harker Heights	TX	288	C2	U	206.2	190.0	81.7ø	16.2
KYUL	Harker Heights	TX	288	A	L	176.3	163.0	74.2ø	13.3
KYUL	Harker Heights	TX	288	C2	C	190.3	190.0	75.6ø	0.3
ALC	San Angelo	TX	289	C3	V	124.1	117.0	315.6ø	7.1
KRNB	Stephenville	TX	289	C1	L	205.7	158.0	34.9ø	47.7
NEW	San Angelo	TX	289	C3	A	129.2	117.0	315.4ø	12.2
NEW	San Angelo	TX	289	C3	A	129.4	117.0	315.5ø	12.4
NEW	San Angelo	TX	289	C3	A	127.1	117.0	315.7ø	10.1
NEW	San Angelo	TX	289	C3	A	131.6	117.0	310.7ø	14.6
NEW	San Angelo	TX	289	C3	A	127.1	117.0	315.7ø	10.1
NEW	San Angelo	TX	289	C3	A	127.1	117.0	315.7ø	10.1
NEW	San Angelo	TX	289	C3	A	131.2	117.0	310.7ø	14.2
NEW	San Angelo	TX	289	C3	A	129.4	117.0	315.5ø	12.4
NEW	San Angelo	TX	289	C3	A	128.3	117.0	310.8ø	11.3
NEW	San Angelo	TX	289	C3	A	128.3	117.0	310.8ø	11.3
ALC	Kerrville	TX	291	A	A	77.9	55.0	151.5ø	22.9
NEW-T	Kerrville	TX	291	D	A	76.3	0.0	150.7ø	76.3

# MASON, TX. CH 288 C2 EXHIBIT E2



Map created using Precision Mapping 3.0

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Search of channel 245C2 (96.9 MHz), at N. 30 28 30, W. 99 26 18.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	Llano	TX	242	A	A	82.9	55.0	61.4ø	27.9
KLTP	Menard	TX	242	C2	A	66.5	58.0	347.3ø	8.5
NEW	Llano	TX	242	A	A	79.2	55.0	66.2ø	24.2
NEW	Llano	TX	242	A	A	84.5	55.0	64.9ø	29.5
NEW	Llano	TX	242	A	A	86.4	55.0	74.2ø	31.4
ALC	Piedras Negras	CI	244	C		222.5	215.0	208.2ø	7.5
ALC	Georgetown	TX	244	C1	U	169.1	158.0	83.5ø	11.1
KHFIFM	Georgetown	TX	244	C1	L	158.3	158.0	96.1ø	0.3
ALC	San Saba	TX	246	A	U	95.1	105.0	44.3ø	-9.9
KBALFM	San Saba	TX	246	A	L	105.3	105.0	41.1ø	0.3
ALC	San Antonio	TX	247	C	U	148.4	105.0	141.9ø	43.4
KAJA	San Antonio	TX	247	C	L	126.0	105.0	146.8ø	21.0
ALC	San Angelo	TX	248	C1	U	146.6	79.0	320.5ø	67.6
KGKLFM	San Angelo	TX	248	C1	L	146.6	79.0	320.5ø	67.6

This map shows the area around Mason, Ohio. The City of Mason is labeled, and a 70 dbu area is indicated. Reference coordinates for Ch 245C2 are provided: N.30 28' 30" W.99 26' 18". The map includes major roads such as I-190, I-75, and I-275. A scale bar indicates 10 km. The map also shows the location of the City of Mason and the 70 dbu area.

Map created using Precision Mapping 3.0

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## CERTIFICATE OF SERVICE

I, Angela L. Master, Secretary, of the law firm of Shainis & Peltzman, do hereby certify that copies of the foregoing document were sent, via First Class Mail, this 17<sup>th</sup> day of March, 1998, to the office of the following:

John J. McVeigh, Esq.  
12101 Blue Paper Trail  
Columbia, MD 21044-2787

Lauren A. Colby, Esq.  
Law Offices of Lauren A. Colby  
10 East Fourth Street  
P.O. Box 113  
Frederick, MD 21705-0113

  
Angela L. Master